

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: : Case No. 17-55128

Stephen T. Webb : Chapter 13
Colleen J. Webb

Debtors. : Judge John E. Hoffman Jr.

DEBTORS' MOTION TO MODIFY PLAN POST-CONFIRMATION

Debtors, by and through their counsel, hereby move to modify their Chapter 13 plan. Debtors respectfully request that the modification be granted for reasons more fully set forth in the Memorandum below.

Respectfully submitted,

/s/ Katherine B. Brewer
Katherine B. Brewer (0087822)
Wood & Brewer, LLC
470 Olde Worthington Rd, Ste 200
Westerville, OH 43082
(614) 410-6878 – Direct Office
(888) 560-1002 – Fax
kbrewer@woodbrewerlaw.com
Attorney for Debtors

MEMORANDUM IN SUPPORT

On November 1, 2017, Debtors' Chapter 13 plan was confirmed. Pursuant to Debtors' plan, Debtors were required to pay \$1,875.00 for the remainder of the plan. Chapter 13 Trustee Faye D. English filed a Motion to Dismiss on April 4, 2019 (*See Doc. No. 41*), noting that the Debtors had not made complete payments in the confirmed plan and that the confirmed plan is projecting to last 76 months.

Debtors' counsel and the Trustee have entered into an Agreed Order on the Trustee's Motion to Dismiss (*See Doc. No. 43*) and the Debtors would like to increase their Chapter 13 plan payment to \$2,125.00 per month, beginning in June 2019. The dividend paid to unsecured creditors shall remain at 5.00%. The Debtors shall make a plan payment for no longer than sixty (60) months, but at least of the applicable commitment period of thirty-six (36) months.

The proposed modification will not modify the rights of the holders of unsecured claims. The proposed modification will not modify the rights of any secured claim holder.

The proposed modified plan is attached hereto and a copy of the same, together with a copy of this Motion and Memorandum of Support has been sent to the Chapter 13 Trustee, US Trustee, and holders of all claims.

WHEREFORE, the Debtors pray they be permitted to amend the plan to conform to the attached amended plan pursuant to 11 USC Section 1329.

Respectfully submitted,

/s/ Katherine B. Brewer

Katherine B. Brewer (0087822)

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AMENDMENT TO CONFIRMED CHAPTER 13 PLAN

Now comes the Debtor herein to amend the plan to state:

Debtors' plan payment shall increase to \$2,125.00 per month, beginning in June 2019. The dividend paid to unsecured creditors shall remain at 5.00%. The Debtors shall make a plan payment for no longer than sixty (60) months, but at least of the applicable commitment period of thirty-six (36) months.

The proposed modification will not modify the rights of the holders of unsecured claims. The proposed modification will not modify the rights of any secured claim holder.

Dated: May 22, 2019

/s/ Katherine B. Brewer
Attorney for Debtor(s)

Debtors' Verification

I/we declare under penalty of perjury that I/we have read the attached amendments and that they are true and correct to the best of my/our knowledge, information or belief.

Date: May 17, 2019

/s/ Stephen T. Webb
Debtor, Stephen T. Webb

/s/ Colleen J. Webb
Joint Debtor, Colleen J. Webb

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NOTICE OF MOTION/OBJECTION

The Debtors have filed papers with the Court to modify their plan. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or **before twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to 170 North High St., Columbus, OH 43215, or your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to;

Katherine B. Brewer, Wood & Brewer, LLC, 470 Olde Worthington Rd., Suite 200, Westerville, OH 43082

Faye D. English, Chapter 13 Trustee, 130 E. Wilson Bridge Road, Suite 200, Worthington, OH 43085

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further notice or hearing.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Modify Plan Post-Confirmation, was served (i) **electronically** on the date of filing through the Court's ECF system on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on May 22, 2019 addressed to:

**Stephen T. & Colleen J. Webb
889 Noddymill Lane E.
Columbus, OH 43085**

Respectfully submitted,

/s/ Katherine B. Brewer
Katherine B. Brewer (0087822)
Wood & Brewer, LLC